

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2018**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2018

**Michael Barrett
State Public Defender, Director
573-526-5212**



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October 1, 2016

Dear Governor Nixon,

Enclosed is the 35th budget request of the Missouri State Public Defender System (MSPD). The goal of MSPD is, upon receipt of adequate funding necessary to meet its existing burden, to carry out the government's obligation to provide competent counsel in indigent criminal cases.

For too long, Missouri has ranked 49th out of 50 states in public defense funding, despite the ubiquitous belief that this leads not just to an inequality in the justice system, but to inflated costs in so many other areas - an artificially inflated prison budget being one such example. One key factor contributing to the prison population ballooning well beyond current capacity, with a yearly budget that has grown from \$575 million in 2006 to \$727 million in 2017, is the challenge of providing adequate representation to each defendant given the significant increase in cases. Unfortunately, MSPD's caseload has risen 12% (from approx. 74,000 to 82,000 cases), and that regrettable reality is only aggravated by the 18% increase in litigation costs to MSPD since 2009.

So it is upon MSPD, as the department tasked with guaranteeing that all Missourians are treated equally under the law, to submit a budget that will significantly address the excessive caseload levied upon the department and remedy the systematic constitutional violations that were the focus of last year's report by the Department of Justice.

Justice under the American system requires that it be administered to everyone equally, without any regard to race or gender, position of influence, or socioeconomic status. The enclosed Fiscal Year 2018 budget represents what is needed to guarantee the Bill of Rights for all Missourians.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Barrett", is written over a light blue horizontal line.

Michael Barrett
Director, Missouri State Public Defender

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PROGRAM DESCRIPTION

Department: <u>Office of the State Public Defender</u>	HB Section(s): <u>HB 12.400</u>
Program Name: <u>Public Defender</u>	
Program is found in the following core budget(s):	
<p>1. What does this program do?</p> <p>The Sixth Amendment to the United States Constitution provides that, <i>"In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence."</i> If an individual cannot afford to hire an attorney, the state must provide one for him in order for the prosecution to proceed. The Missouri State Public Defender System was created to meet this obligation of the State of Missouri. Its lawyers provide criminal defense representation to indigent defendants in all of Missouri's criminal trial and appellate courts, as well as in a variety of quasi-criminal matters which carry a right to counsel, such as juvenile delinquency cases, sexually violent predator commitment cases, petitions for release from the Department of Mental Health, probation revocations and post-conviction motions to vacate criminal convictions.</p> <p>2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)</p> <p>Chapter 600 R.S. Mo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitutions: <i>In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.</i> <i>Amend VI, U.S. Constitution</i></p> <p><i>In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . .</i> <i>That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.</i> <i>Article I, Section 18(a), Missouri Constitution.</i></p> <p>3. Are there federal matching requirements? If yes, please explain.</p> <p>No</p>	

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

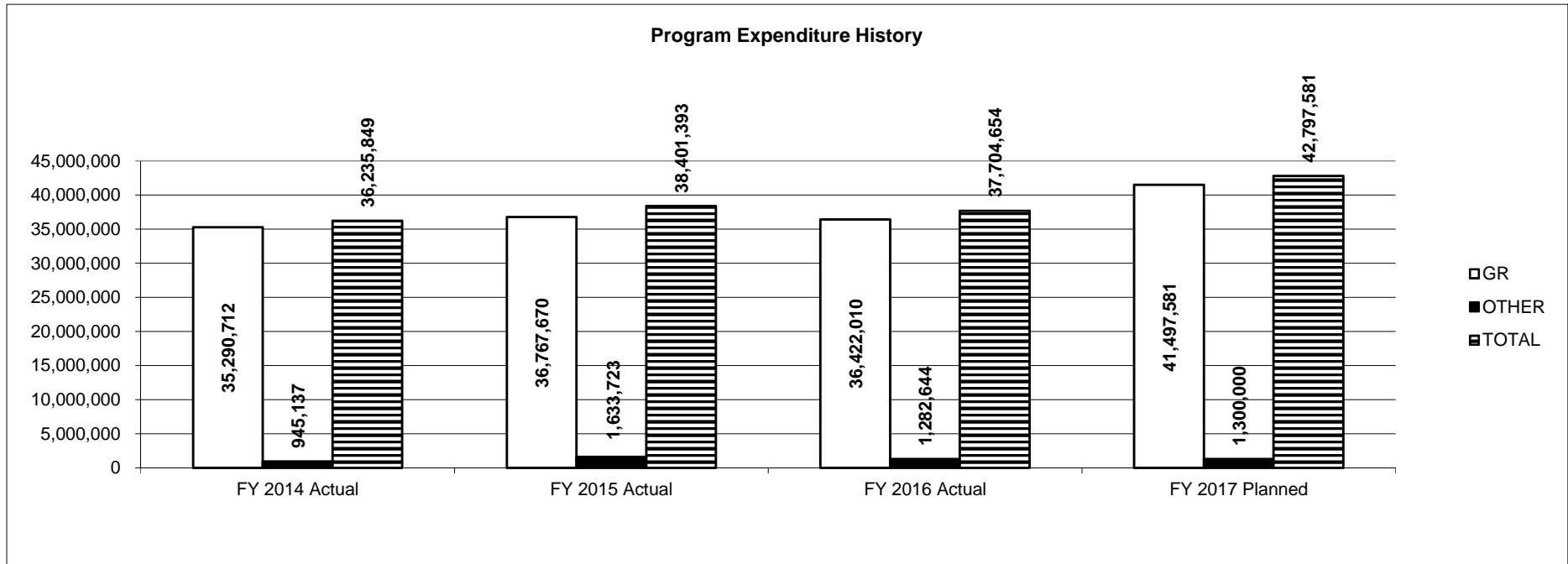
Program is found in the following core budget(s):

4. Is this a federally mandated program? If yes, please explain.

Yes. The provision of counsel to indigent defendants facing prosecution and the potential loss of their liberty is federally mandated under the United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.” Amend VI, U.S. Constitution Bill of Rights

5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year.



6. What are the sources of the "Other " funds?

Legal Defense and Defender Fund - Collections from Clients

PROGRAM DESCRIPTION

Department: Office of the State Public Defender	HB Section(s): HB 12.400
Program Name: Public Defender	
Program is found in the following core budget(s):	

7a. Provide an effectiveness measure.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

- (1) **Case Law:** Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.
- (2) **Missouri Rules of Professional Responsibility** are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.
- (3) **MSPD Guidelines for Representation** adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.

American Bar Association Ethical Advisory Opinion re Public Defender Caseloads: In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. *See, ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation, May 13, 2006.*

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

Program is found in the following core budget(s):

Over the last ten years, the issue of Missouri Public Defender's workload has been the subject of five different studies: one by a Missouri Bar Task Force, two by *The Spangenberg Group*, an independent consultant, another by a Senate Interim Committee, and the most recent by the American Bar Association titled *The Missouri Project*. Each of these investigations reached the same conclusion: Missouri's public defenders have too many cases and not enough lawyers or support staff to fulfill the state's constitutional obligations.

The most recent ABA study, conducted and overseen by RubinBrown of St. Louis, one of the nation's top accounting and business analytics firms, was designed to not only identify excessive work overloads – which it did -- but also to establish reliable case weights to determine what staffing levels are needed to match the existing workload (i.e., the average number of hours a competent attorney could expect to spend on a particular case type to provide competent representation).

When these case weights are applied to MSPD's 2016 caseload, the number of staff MSPD would need to meet its existing caseload is 333 additional attorneys (see case weight metrics below). 311 attorneys are requested in the Constitutionally Mandated Representation decision item. 11.50 attorneys are requested in the Juvenile Advocacy decision item. This proposal further seeks funding that would allow MSPD to assign all Trial Division conflict cases to private attorneys, which remains the single most efficient way to immediately impact case overload.

ABA/RubinBrown Workload Study	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

Program is found in the following core budget(s):

The budget request also includes the addition of:

Two Youth Advocacy Units, one in Kansas City and one in St. Louis, to specialize in the representation of juveniles (11.50 attorneys);
A comprehensive compensation structure for Attorney staff; and

Each of these constitutes a measured, but significant step forward on the road toward fulfilling the state's constitutionally mandated obligations.

At the request of the Office of Administration, a decision item was added to reflect the impact of the changes anticipated by the Fair Labor Standard's overtime exemption regulation.

7b. Provide an efficiency measure.

The Missouri State Public Defender System's 369.50 Trial and Appellate lawyers opened 76,150 cases last year, appearing in every courthouse in every county across the state. The same staff closed 70,219 cases at an average cost to the state's taxpayers of just \$355.87 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration. It comes at the cost of justice, the result of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution's Bill of Rights guarantees them. There is a limit to the 'Do More With Less' mantra within the arena of criminal justice, and Missouri passed it sometime ago.

Every Missouri Public Defender attorney, investigator and mitigation specialist now tracks their time in five-minute increments by task and case type so that it can be seen exactly what is – and what is NOT – getting done on the cases assigned to MSPD.

PROGRAM DESCRIPTION

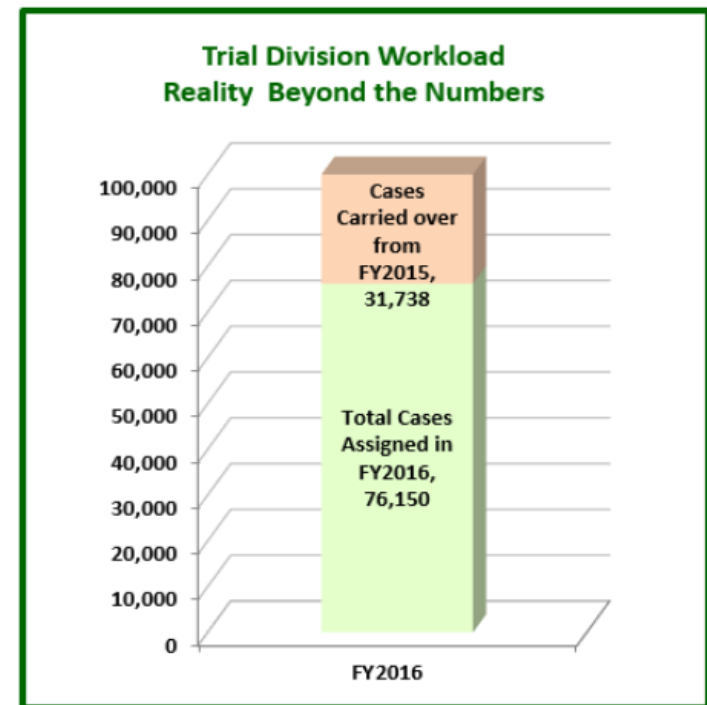
Department: <u>Office of the State Public Defender</u>	HB Section(s): <u>HB 12.400</u>
Program Name: <u>Public Defender</u>	
Program is found in the following core budget(s):	

7c. Provide the number of clients/individuals served, if applicable.

In FY2016, MSPD provided representation in 76,150 new cases. The Public Defender Commission sets the indigency guidelines that are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50th out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant's particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD's denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.

The table on the following page shows an 9.75% total increase in the number of cases assigned to the Public Defender System. The Trial Division saw a 12% increase in the number of cases they opened.

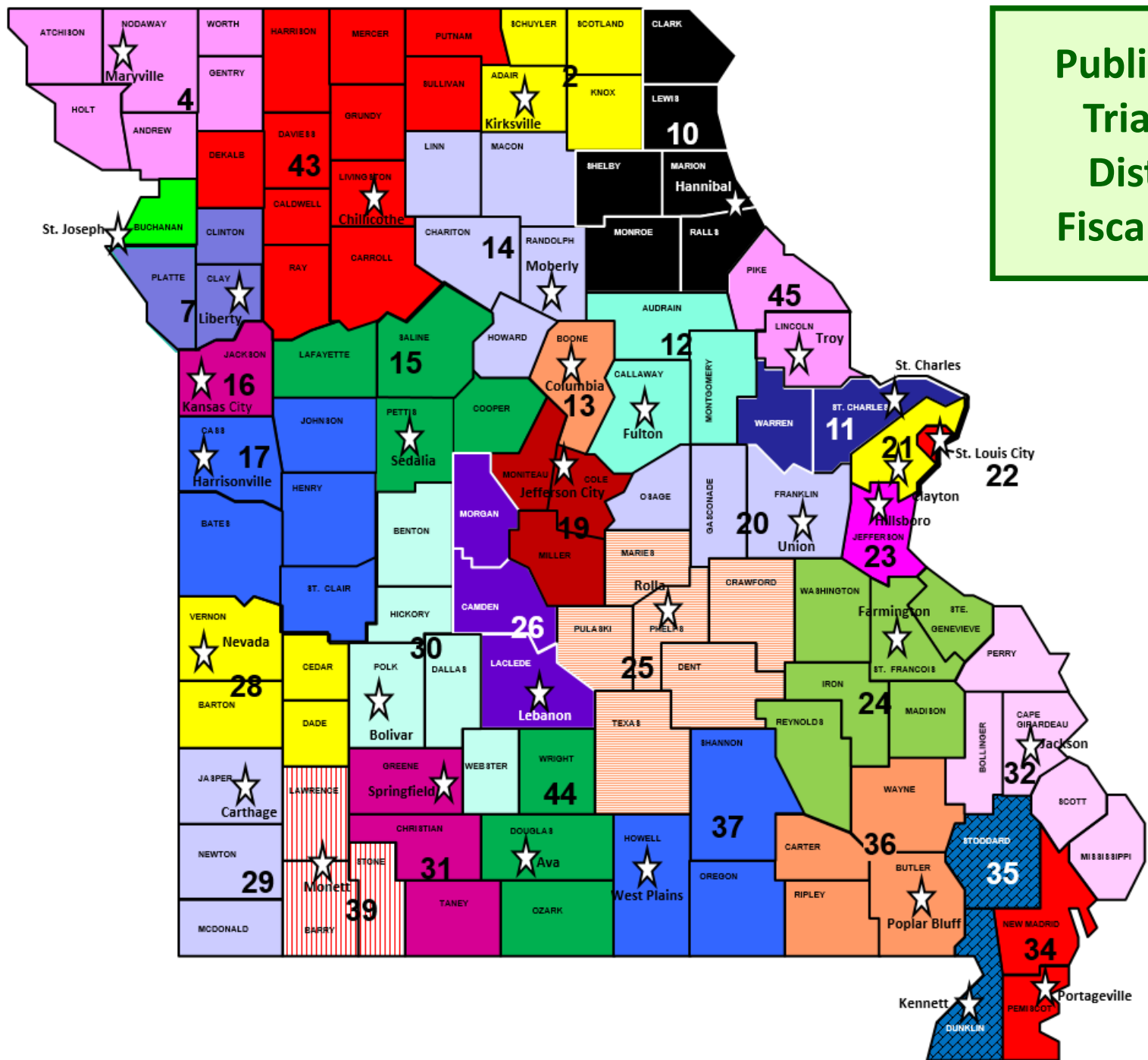
In addition, as many cases take longer than a year to resolve, at the beginning of Fiscal Year 2016 there were 31,738 cases pending in the Trial Division.



Missouri State Public Defender System

Cases Assigned by Case Type

Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed
FY16	187	138	42,276	42,601	16,121	1,677	829	204	18,557	766	80,755	71,934
FY15	167	148	37,879	38,194	14,853	1,831	916	174	16,831	799	73,598	71,464
FY14	129	138	38,554	38,821	15,228	1,830	939	166	17,460	752	75,196	72,197
FY13	152	207	38,785	39,144	16,692	1,670	986	238	18,477	792	77,999	79,985
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730



**Public Defender
Trial Division
District Map
Fiscal Year 2016**

State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit		FY 2018	FY 2018	*****	*****		
Decision Item	Rank	DEPT REQ	DEPT REQ	SECURED	SECURED	CUMULATIVE TOTAL	
Fund		DOLLAR	FTE	COLUMN	COLUMN	DOLLARS	FTE
OFFICE OF THE DIRECTOR							
CORE	001						
GENERAL REVENUE		37,776,510	595.13	0	0.00	0	0.00
TOTAL		37,776,510	595.13	0	0.00		
GRANTS							
CORE	001						
PUBLIC DEFENDER-FEDERAL & OTHR		125,000	0.00	0	0.00	0	0.00
TOTAL		125,000	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND							
CORE	001						
LEGAL DEFENSE AND DEFENDER		2,985,943	2.00	0	0.00	0	0.00
TOTAL		2,985,943	2.00	0	0.00		
EXTRAORDINARY EXPENSE/CONFLIC							
CORE	001						
GENERAL REVENUE		3,721,071	0.00	0	0.00	0	0.00
TOTAL		3,721,071	0.00	0	0.00		
DEBT OFFSET ESCROW FUND							
CORE	001						
DEBT OFFSET ESCROW		1,200,000	0.00	0	0.00	0	0.00
TOTAL		1,200,000	0.00	0	0.00		
OFFICE OF THE DIRECTOR							
Federal Overtime Change - 0000016	005						
GENERAL REVENUE		70,008	0.00	0	0.00	0	0.00
TOTAL		70,008	0.00	0	0.00		
Constitutionally Mandated - 1151001	005						
GENERAL REVENUE		23,939,583	415.00	0	0.00	0	0.00
TOTAL		23,939,583	415.00	0	0.00		
Comprehensive Compensation - 1151002	005						
GENERAL REVENUE		728,805	0.00	0	0.00	0	0.00
TOTAL		728,805	0.00	0	0.00		
Juvenile Advocacy - 1151003	005						
GENERAL REVENUE		1,055,751	19.50	0	0.00	0	0.00
TOTAL		1,055,751	19.50	0	0.00		
GRAND TOTAL		\$71,602,671	1,031.63	\$0	0.00		

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit									
Decision Item	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****	
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED	
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN	
OFFICE OF THE DIRECTOR									
CORE									
PERSONAL SERVICES									
GENERAL REVENUE	27,865,647	579.27	29,896,943	595.13	29,896,943	595.13	0	0.00	
TOTAL - PS	27,865,647	579.27	29,896,943	595.13	29,896,943	595.13	0	0.00	
EXPENSE & EQUIPMENT									
GENERAL REVENUE	4,835,293	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00	
TOTAL - EE	4,835,293	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00	
TOTAL	32,700,940	579.27	37,776,510	595.13	37,776,510	595.13	0	0.00	
Federal Overtime Change - 0000016									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	70,008	0.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	70,008	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	70,008	0.00	0	0.00	
Constitutionally Mandated - 1151001									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	18,863,820	415.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	18,863,820	415.00	0	0.00	
EXPENSE & EQUIPMENT									
GENERAL REVENUE	0	0.00	0	0.00	5,075,763	0.00	0	0.00	
TOTAL - EE	0	0.00	0	0.00	5,075,763	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	23,939,583	415.00	0	0.00	
Comprehensive Compensation - 1151002									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	728,805	0.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	728,805	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	728,805	0.00	0	0.00	
Juvenile Advocacy - 1151003									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	881,766	19.50	0	0.00	
TOTAL - PS	0	0.00	0	0.00	881,766	19.50	0	0.00	
EXPENSE & EQUIPMENT									
GENERAL REVENUE	0	0.00	0	0.00	173,985	0.00	0	0.00	
TOTAL - EE	0	0.00	0	0.00	173,985	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	1,055,751	19.50	0	0.00	
GRAND TOTAL	\$32,700,940	579.27	\$37,776,510	595.13	\$63,570,657	1,029.63	\$0	0.00	

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	<u>1511C</u>
Division:	Legal Services		
Core:	Legal Services	HB Section	<u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

FY 2018 Budget Request					FY 2018 Governor's Recommendation						
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	29,896,943	0	0	29,896,943		PS	0	0	0	0	
EE	7,879,567	0	0	7,879,567		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	37,776,510	0	0	37,776,510		Total	0	0	0	0	
FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00	
Est. Fringe	8,161,865	0	0	8,161,865		Est. Fringe	0	0	0	0	
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.						Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					

Other Funds:

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender System [MSPD] is a statewide system, providing legal representation to indigent defendants accused of state crimes in Missouri's trial, appellate, and supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor.

This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff.

3. PROGRAM LISTING (list programs included in this core funding)

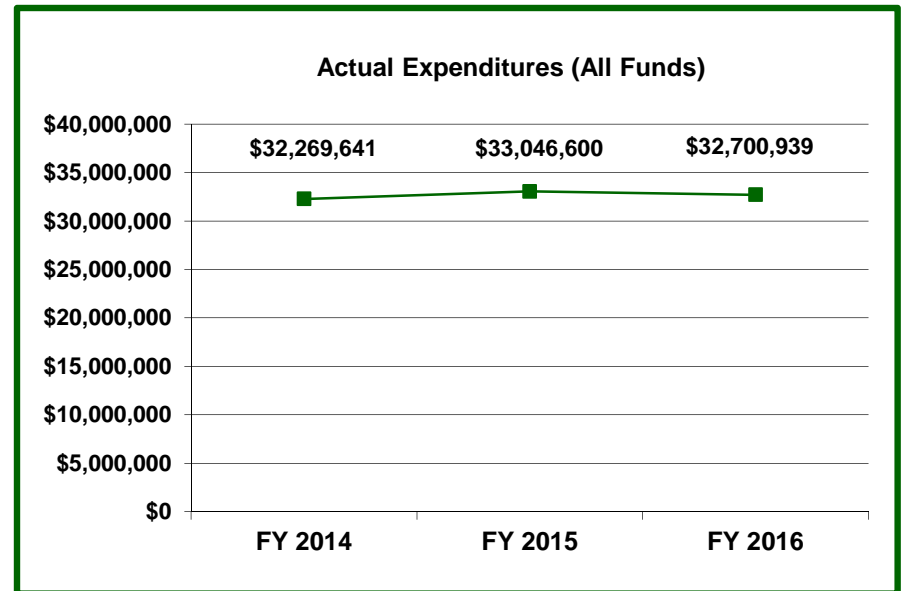
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	<u>1511C</u>
Division:	Legal Services		
Core:	Legal Services	HB Section	<u>HB 12.400</u>

4. FINANCIAL HISTORY

	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Current Yr.
Appropriation (All Funds)	\$32,269,722	\$36,018,838	\$32,700,939	\$34,276,510
Less Reverted (All Funds)	\$0	\$0	\$0	\$0
Less Restricted (All Funds)	\$0	-\$2,972,238	\$0	\$0
Budget Authority (All Funds)	\$32,269,722	\$33,046,600	\$32,700,939	\$34,276,510
Actual Expenditures (All Funds)	\$32,269,641	\$33,046,600	\$32,700,939	\$0
Unexpended (All Funds)	\$81	\$0	\$0	\$34,276,510
Unexpended, by Fund:				
General Revenue	\$81	\$0	\$0	\$0
Federal	\$0	\$0	\$0	\$0
Other	\$0	\$0	\$0	\$0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

On June 30, 2015, after the close of the Accounting Fiscal Year, Governor Nixon "released" the \$2,972,238 that had been withheld.

As of September 28, 2016 - Governor Nixon is withholding \$3,500,000 of the Fiscal Year 2017 Appropriation.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	11,469	0.48	0	0.00	0	0.00	0	0.00
SECRETARY	3,248,889	120.17	3,421,458	122.50	3,409,888	122.50	0	0.00
COMPUTER INFO. SPECIALIST	341,099	6.55	341,903	6.25	469,099	6.25	0	0.00
INVESTIGATOR	1,941,973	54.72	2,076,024	57.38	2,108,350	57.38	0	0.00
PARALEGAL	205,623	5.83	237,639	6.50	200,753	6.50	0	0.00
MITIGATION SPECIALIST	309,443	7.89	324,767	7.00	286,874	7.00	0	0.00
ASSISTANT PUBLIC DEFENDER	17,532,725	325.95	18,897,914	336.50	18,885,424	336.50	0	0.00
DISTRICT DEFENDER	2,974,534	40.76	3,249,546	43.00	3,267,012	43.00	0	0.00
DIVISION DIRECTOR	616,764	5.83	520,563	5.00	580,849	5.00	0	0.00
PROGRAM TECHNICIAN	122,324	3.61	141,404	4.00	164,644	4.00	0	0.00
PROGRAM MANAGER	415,461	6.48	537,475	6.00	375,912	6.00	0	0.00
DIRECTOR	145,343	1.00	148,250	1.00	148,138	1.00	0	0.00
TOTAL - PS	27,865,647	579.27	29,896,943	595.13	29,896,943	595.13	0	0.00
TRAVEL, IN-STATE	890,169	0.00	876,000	0.00	950,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	11,515	0.00	5,000	0.00	12,500	0.00	0	0.00
FUEL & UTILITIES	46,724	0.00	50,000	0.00	47,500	0.00	0	0.00
SUPPLIES	295,518	0.00	367,725	0.00	305,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	3,646	0.00	143,750	0.00	4,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	382,689	0.00	418,250	0.00	418,205	0.00	0	0.00
PROFESSIONAL SERVICES	2,032,626	0.00	4,950,677	0.00	4,950,677	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	107,369	0.00	100,000	0.00	118,685	0.00	0	0.00
M&R SERVICES	171,408	0.00	102,200	0.00	175,000	0.00	0	0.00
COMPUTER EQUIPMENT	26,524	0.00	25,000	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	20,717	0.00	10,000	0.00	20,000	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	5,000	0.00	5,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	778,566	0.00	775,965	0.00	780,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	16,355	0.00	15,000	0.00	17,500	0.00	0	0.00
MISCELLANEOUS EXPENSES	51,467	0.00	35,000	0.00	50,000	0.00	0	0.00
TOTAL - EE	4,835,293	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
GRAND TOTAL	\$32,700,940	579.27	\$37,776,510	595.13	\$37,776,510	595.13	\$0	0.00
GENERAL REVENUE	\$32,700,940	579.27	\$37,776,510	595.13	\$37,776,510	595.13		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 1151000 BUDGET UNIT NAME: Office of the State Public Defender HOUSE BILL SECTION: 12.400	DEPARTMENT: Office of the State Public Defender DIVISION: Legal Services
1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.	
DEPARTMENT REQUEST	
<p>As in previous years, the Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.</p> <p>It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover appropriation shortfalls in case litigation expenses and increasing office expenses such as travel, postage, equipment maintenance and network charges.</p>	
2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.	
PRIOR YEAR ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$912,845	\$900,000
BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	
\$1,000,000	
3. Please explain how flexibility was used in the prior and/or current years.	
PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$912,845 was transferred from Personal Service (0911) to E&E (0912) to cover a significant shortage in litigation costs, general office operating costs and conflict cases.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service could be used to meet the cost of operating the local offices or to contract out cases to the private bar as the need arises or to pay for increasing necessary litigation expenses.

NEW DECISION ITEM

RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
U.S. Department of Labor Overtime Rule Change DI# 0000016	HB Section 12.400

1. AMOUNT OF REQUEST

FY 2018 Budget Request				
	GR	Federal	Other	Total E
PS	70,008	0	0	70,008
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	70,008	0	0	70,008
FTE	0.00	0.00	0.00	0.00

Est. Fringe	19,112	0	0	19,112
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2018 Governor's Recommendation				
	GR	Federal	Other	Total E
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/>	New Legislation	<input type="checkbox"/>	New Program	<input type="checkbox"/>	Fund Switch
<input checked="" type="checkbox"/>	Federal Mandate	<input type="checkbox"/>	Program Expansion	<input type="checkbox"/>	Cost to Continue
<input type="checkbox"/>	GR Pick-Up	<input type="checkbox"/>	Space Request	<input type="checkbox"/>	Equipment Replacement
<input type="checkbox"/>	Pay Plan	<input type="checkbox"/>	Other: _____		

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

On May 18, 2016, the U.S. Department of Labor (USDOL) announced an overtime rule change to expand employee overtime protections. Effective December 1, 2016, employees making less than \$47,476 per year will earn time and a half pay after working 40 hours per week. The previous threshold was \$23,660 per year. In addition, the USDOL will index the income threshold every three years. State agencies will take steps to minimize the fiscal impact of this rule change; however, the current core budget may be insufficient to cover these additional expenses.

NEW DECISION ITEM

RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
U.S. Department of Labor Overtime Rule Change DI# 0000016	HB Section 12.400

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The Department of Labor (DOL) issued the final regulations making changes to overtime exemptions under the Fair Labor Standards Act (FLSA). The new employee salary threshold is slated to be set at \$47,476/year. The prior salary threshold was \$23,660. The new salary threshold will encompass several MSPD employees that are currently classified as exempt.

There is an automatic escalator every three years in the minimum salary level for exempt employees. Employers must comply with the new rule by December 1, 2016.

To the right is a spreadsheet analyzing the impact of potential changes on MSPD.

Classification	Annual Salary As of 7/1/16	Annual Cost To Adjust To FLSA Threshold Of \$47,476
Support Services Coordinator I	\$36,924.00	\$10,552.00
Support Services Coordinator II	\$39,708.00	\$7,768.00
Mitigation Specialist I	\$38,304.00	\$9,172.00
Mitigation Specialist I	\$36,924.00	\$10,552.00
Mitigation Specialist I	\$38,304.00	\$9,172.00
Mitigation Specialist II	\$41,184.00	\$6,292.00
Mitigation Specialist II	\$43,560.00	\$3,916.00
Mitigation Specialist II	\$41,184.00	\$6,292.00
Mitigation Specialist II	\$41,184.00	\$6,292.00
	\$357,276.00	\$70,008.00

NEW DECISION ITEM

RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
U.S. Department of Labor Overtime Rule Change DI# 0000016	HB Section 12.400

The FLSA regulation does **not** apply to employees who are licensed attorneys.

As a point of interest, there are 153 MSPD attorney staff whose salaries fall below the threshold amount of \$47,476. To bring these 153 attorneys to the minimum threshold would cost \$496,524.

Assistant Public Defenders Earning Less than the Overtime Exemption Salary					
Job Title	Current # of FTE	Proposed # of FTE	FY17 Salary	Proposed Salary	Cost
Assistant Public Defender I	58.00		\$39,708		<u>\$2,303,064</u>
Assistant Public Defender I		58.00		\$47,476	<u>\$2,753,608</u>
Assistant Public Defender I Salary Adjustment Cost					<u>\$450,544</u>
Assistant Public Defender II	95.00		\$46,992		<u>\$4,464,240</u>
Assistant Public Defender II		95.00		\$47,476	<u>\$4,510,220</u>
Assistant Public Defender II Salary Adjustment Cost					<u>\$45,980</u>
Total FTE	153.00				<u>\$496,524</u>

NEW DECISION ITEM

RANK: 4 OF 4

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
U.S. Department of Labor Overtime Rule Change DI# 0000016	HB Section 12.400

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS	E
Program Manager/C00570	18,320						18,320			
Mitigation Specialist/C00350	51,688						51,688	0.0		
Total PS	70,008	0.0	0	0.0	0	0.0	70,008	0.0	0	
							0			
							0			
							0			
Total EE	0		0		0		0		0	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers										
Total TRF	0		0		0		0		0	
Grand Total	70,008	0.0	0	0.0	0	0.0	70,008	0.0	0	

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Federal Overtime Change - 0000016								
MITIGATION SPECIALIST	0	0.00	0	0.00	51,688	0.00	0	0.00
PROGRAM MANAGER	0	0.00	0	0.00	18,320	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	70,008	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$70,008	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$70,008	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Caseload Relief - Constitutionally Mandated Representation DI# 1151001	HB Section 12.400

1. AMOUNT OF REQUEST

FY 2018 Budget Request				
	GR	Federal	Other	Total
PS	18,863,820	0	0	18,863,820
EE	5,075,763	0	0	5,075,763
PSD	0	0	0	0
TRF	0	0	0	0
Total	23,939,583	0	0	23,939,583
FTE	415.00	0.00	0.00	415.00
Est. Fringe	9,427,643	0	0	9,427,643
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.				
Other Funds:				

FY 2018 Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00
Est. Fringe	0	0	0	0
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.				
Other Funds:				

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: Constitutionally Mandated Representation	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

As stated in the program description, the issue of Missouri Public Defender's workload has been the subject of many different studies. Through budget requests, the Missouri State Public Defender (MSPD) has warned that the rights of poor Missourians are being violated throughout the state because MSPD's resources are too few and the caseloads too high. These claims were confirmed for both juveniles and adults.

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Caseload Relief - Constitutionally Mandated Representation	
DI# 1151001	HB Section 12.400

In the Spring of 2013, the National Juvenile Defender Center (NJDC) released a report that declared Missouri's indigent defense system to be "in crisis" after having "endured two decades of crushing caseloads and inadequate resources to provide its mandated services." A year later, following yet another failed attempt to acquire more resources, the American Bar Association (ABA) released the results of a commissioned report using a nationally renowned accounting firm, RubinBrown, which assessed MSPD's workload data in order to draw unbiased conclusions.

To facilitate this review, MSPD became the first public defender system in the country to require its attorneys to track time in five minute increments. Applying the Delphi methodology, a proven business-analysis model, the ABA Report, "The Missouri Project", found that MSPD did not have nearly enough resources to meet its obligations and that a significant number of additional attorneys were needed.

When these case weights are applied to MSPD's 2016 caseload, the number of staff MSPD would need to meet its caseload is 333 additional attorneys (see case weight metrics to the right). 311 attorneys are requested in the Constitutionally Mandated Representation decision item. 11.50 attorneys are requested in the Juvenile Advocacy decision item. In addition, 10 FTE are currently being restricted by Governor Nixon. This proposal further seeks funding that would allow MSPD to assign all Trial Division conflict cases to private attorneys, which remains the single most efficient way to immediately impact case overload.

ABA/RubinBrown Workload Study Hours Per Type of Case	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

This decision item assumes that:

1. All Trial Division conflict cases are contracted out to the private bar; **(PART A)**
2. Current contract fee amounts to private counsel remain flat;
3. Caseload, and the percentage of cases that have conflicts, remain relatively flat; and
4. The increase in the number of attorneys and support staff are also funded. **(PARTB)**

NEW DECISION ITEM
RANK: 5 **OF** 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Caseload Relief - Constitutionally Mandated Representation</u>	
DI# <u>1151001</u>	HB Section <u>12.400</u>

**CASELOAD RELIEF- Constitutionally Mandated Representation
Contracting All Trial Division Conflict Cases (PART A):**

Currently, when a case involves multiple defendants, there is always the risk that one will point a finger at the other. Therefore, the local defender office can only represent one co-defendant and any other co-defendants must be represented elsewhere, either by another defender office or by private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and contracted out additional co-defendants to private counsel. However, this in-house handling of trial division conflict cases is not a cost-effective approach because it pulls lawyers out of their primary jurisdictions and requires them to drive significant distances to appear in court, conduct investigations, witness interviews and depositions, visit their clients in jail, all in a distant county. It is not uncommon for each trip to take a day of the attorney's time to deal with one or two cases. Instead, economies of scale suggest it is more cost-effective and efficient to contract all trial level conflict cases to local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designated to serve.

At present, MSPD uses the fee schedule on the following page for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved on a case-by-case basis. Such costs would be incurred by MSPD whether the case was being handled internally or by private counsel.

Given the assumptions set out, the cost of contracting out all Trial Division conflict cases to private counsel would run a little over \$6.573 million. Since our Fiscal Year 2017 appropriation for this purpose is approximately \$2.278 million, and the Governor is currently withholding \$2.957 million, which this budget requests assumes will be part of the Fiscal Year 2018 core, contracting out all conflict cases would require an additional \$1.338 million, as shown in the tables on the following pages.

**Missouri State Public Defender
Private Counsel
Fee Schedule**

Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misdemeanor	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$3,750
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$1,875
129M	Rule 29.15 Motion	\$1,000

Note: MSPD will pay additional compensation in cases resolved by:

Jury Trial \$1,500 for the first day and \$750 for each additional day
 Bench Trial \$750 per day - prorated

FY2016 CONFLICT CASES - Trial & Appellate Division Does Not include Capital or CDU						
Case Type	Description	Conflicts Currently Handled by MSPD Sister Offices 41's & 49's	Conflicts Currently Contracted to Private Counsel 42's & 44's	Contract Rates	Cost of Contracts	
15	Murder 1st Degree	24	10	\$10,000	\$340,000	
20	Other Homicide	23	1	\$6,000	\$144,000	
30D	AB Felony Drug	475	135	\$750	\$457,500	
30F	AB Felony Other	611	146	\$1,500	\$1,135,500	
30X	AB Felony Sex	55	7	\$2,000	\$124,000	
35D	CD Felony Drug	1,261	294	\$750	\$1,166,250	
35F	CD Felony Other	2,349	477	\$750	\$2,119,500	
35X	CD Felony Sex	20	1	\$1,500	\$31,500	
45M	Misdemeanor	1,072	191	\$375	\$473,625	
45T	Misdemeanor - Traffic	94	17	\$375	\$41,625	
50N	Juvenile - Non Violent	112	19	\$500	\$65,500	
50S	Juvenile - Status	6	1	\$500	\$3,500	
50V	Juvenile - Violent	70	6	\$750	\$57,000	
65F	Probation Violation - Felony	675	115	\$375	\$296,250	
65M	Probation Violation - Misd	181	17	\$375	\$74,250	
110F	Direct Appeals - Felony	3		\$3,750	\$11,250	
110S	Direct Appeal - Misdemeanor			\$500	\$0	
124A	Rule 24.035 Appeal			\$500	\$0	
124M	Rule 24.035 Motion	15	1	\$500	\$8,000	
129A	Rule 29.15 Appeal	4		\$3,750	\$15,000	
129M	Rule 29.15 Motion	17	2	\$500	\$9,500	
	Totals	7,067	1,440		\$6,573,750	
	Fiscal Year 2017 Contract Budget					<u>-\$2,278,012</u>
	Governor's 2017 Withholding					<u>-\$2,957,120</u>
	Additional Appropriation Required to Contract Out All Conflicts					\$1,338,618
ALL TRIAL & APPELLATE CONFLICTS TO PRIVATE COUNSEL						

NEW DECISION ITEM
RANK: 5 **OF** 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Caseload Relief - Constitutionally Mandated Representation</u>	
DI# <u>1151001</u>	HB Section <u>12.400</u>

CASELOAD RELIEF - FUNDING FOR 311 ASSISTANT PUBLIC DEFENDERS & 86 SUPPORT STAFF (PART B)

Attorney Staff Needed to Handle Remaining Caseload: Removing all conflict cases helps to reduce the public defender case overload, but it does not eliminate it. Assuming that there is no increase in caseload, MSPD would still be 332.9 lawyers short of the number of attorneys needed according to the ABA report. This number is determined by applying RubinBrown's average case weights to the number of cases for each case type assigned for Fiscal Year 2016. The number was calculated after conflicts have all been eliminated and contracted to private attorneys. Actual attorney travel time and court time were added to the RubinBrown metrics calculations, resulting in 1,419,445.40 attorney hours required. Assuming 2,080 available attorney hours each year—682.40 attorneys would be required to provide effective, constitutional representation. The current number of Trial and Appellate Division attorneys is 349.50, there are 10 FTE currently being restricted by Governor Nixon. There are 11.50 attorneys requested in a separate Juvenile Advocacy decision item; leaving 311 attorneys to be requested in this decision item.

Support Staff: Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer. This allows the lawyer to focus on tasks that only a lawyer can do. Therefore, MSPD is requesting 1 legal assistant for every 3 attorneys; that would mean 104 legal assistants in order to meet that ratio.

Attorneys and support staff would be allocated to the most over-worked offices based on several factors including but not limited to: the RubinBrown caseload weights, problematic counties to practice in, difficult prosecutors to negotiate with, office space available, etc. The calculations for the Trial Division office only include the juvenile cases where the public defender system is currently providing juvenile representation. Some local public defender offices do not provide representation for juveniles and in those instances many counties are contracting with private attorneys to do so. A separate decision item is included in MSPD's FY2018 Legislative Budget Request to set up juvenile advocacy offices in St. Louis Area and in Kansas City.

Some of the staffing requested in this decision item would be used to establish a Springfield Appellate/Post-Conviction office. (The caseload numbers for these appellate/pcr cases are included in the RubinBrown metrics and in the total number of attorneys needed for effective representation.) The Appellate/Post-conviction Division presents unique overload issues, which unlike Trial Division conflicts, are best addressed not through increased contracting to private counsel, but by the creation of an additional appellate/post-conviction office in Springfield, MO.

The attorneys in this division represent defendants who have already been convicted of a crime and are raising issues of error in the judicial process that led to their conviction. Post-conviction counsel must always review and raise, where appropriate, the issue of ineffective assistance of the client's previous counsel. This means that the office that provides appellate representation for a client will always have a conflict handling that client's post-conviction proceedings, which is why MSPD has six appellate/post-conviction offices, two each in St. Louis, Kansas City, and Columbia. Each duo of offices is able to handle conflict cases for one another, without (most) of those cases having to be shipped across the state to one of the other two appellate/post-conviction office locations.

NEW DECISION ITEM
RANK: 5 **OF** 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Caseload Relief - Constitutionally Mandated Representation</u>	
DI# <u>1151001</u>	HB Section <u>12.400</u>

However, travel is still a significant problem in this division because of the nature of post-conviction proceedings, which take place in the circuit court of conviction. This means MSPD has five offices covering post-conviction proceedings in 114 counties plus the City of St. Louis. (Only one of the offices in Columbia handles post-conviction matters, the other handles only appellate cases.) The map on the next page shows how the counties are currently divided among the existing offices. As the map indicates, the heavier concentration of cases in the two urban areas of St. Louis and Kansas City leave the attorneys in those areas unable to take on as many counties as their Central Missouri counterparts are required to cover. But even with fewer cases coming in from each of the outstate (grey) counties, MSPD's Central PCR office is carrying a caseload at 300% of its attorney capacity. Add in the amount of travel involved and it becomes an equation that is simply not sustainable.

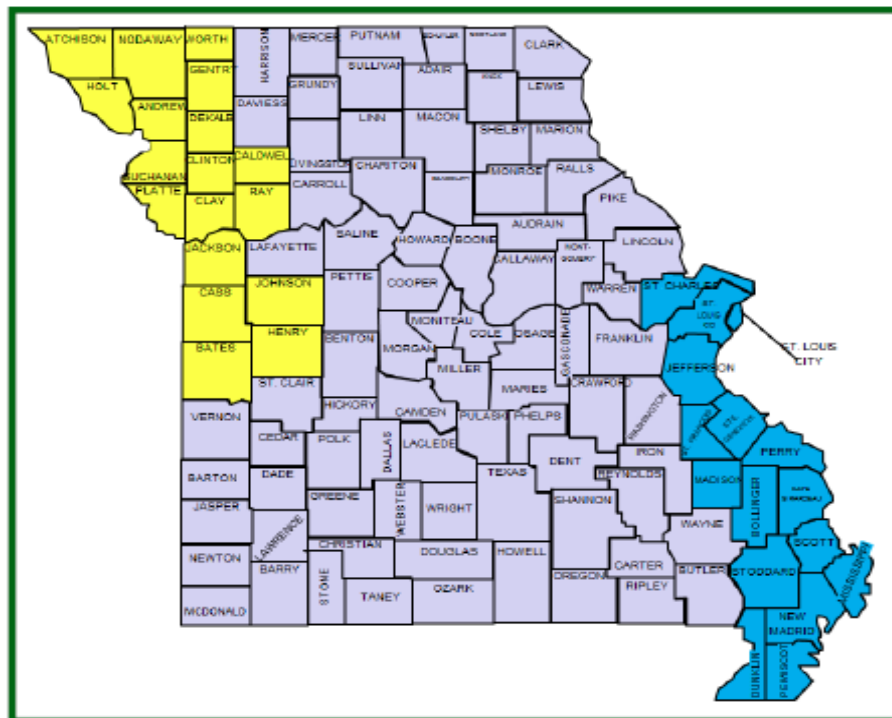
MSPD has attempted to reduce the travel burden on these offices by contracting out "remote-county PCR's", as they are known within the system, to local private counsel, but this approach has not been successful. Post-conviction practice is unique and very technical. Very few private attorneys have any experience, much less expertise, in these types of cases. MSPD's attempts to contract these cases to private counsel have too frequently resulted in the cases having to be brought back in-system to correct significant, case-changing errors made by attorneys who are in over their heads. MSPD attempted to address this problem by offering training to private attorneys interested in taking these cases, but that, too, has proved insufficient to the task. Few accepted the opportunity and those who did, ended up taking these cases so infrequently that any benefit they may have received from the training has long since worn off by the time they get their next PCR.

Therefore, part of this decision will address the problem by adding an additional office in Springfield. Missouri's appellate courts are located in St. Louis, Kansas City, and Springfield (with the Supreme Court in Jefferson City), so the new office would be conveniently located to the appellate court, while also reducing the travel time associated with a majority of the post-conviction cases in southwest Missouri. As expected, given the fact that Springfield is Missouri's third most populated city and Joplin is not far behind, the southwest region of the state accounts for a significant number of the post-conviction cases currently overloading the Central PCR office. Creating an additional appellate/pcr office in Springfield will siphon these cases off the Columbia office, provide better service to the clients and courts in Southwest Missouri while reducing travel costs and freeing up time for the Columbia Central PCR attorneys to better handle the workload in the remainder of Missouri's outstate counties.

NEW DECISION ITEM
RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - Constitutionally Mandated Representation	DI# 1151001	HB Section 12.400

Current PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

Central PCR

District 67



Eastern Appellate/PCR

Districts 51 & 68



Western Appellate/PCR

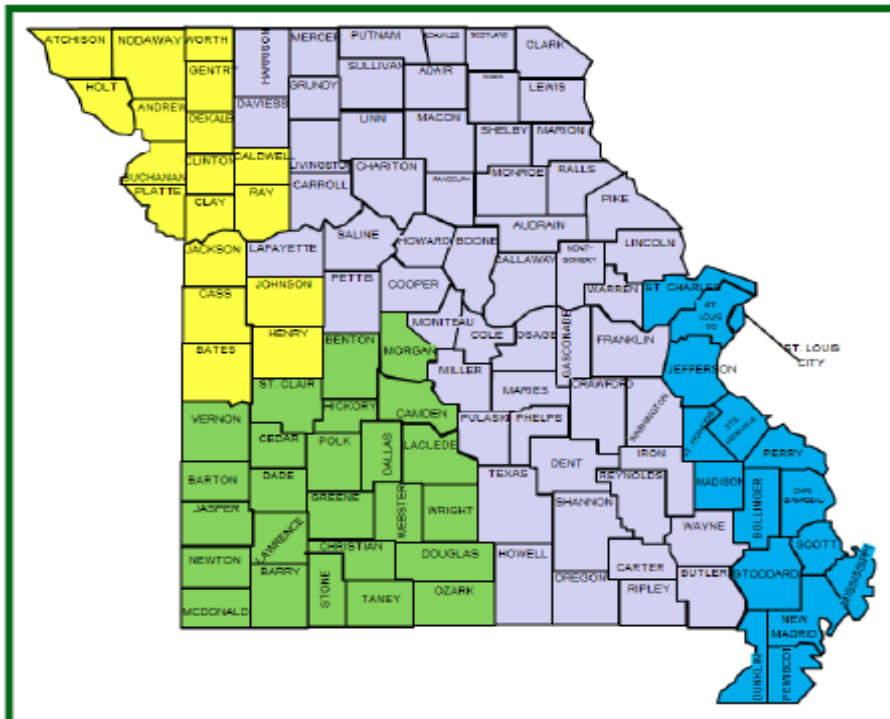
Districts 52 & 69



NEW DECISION ITEM
 RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - Constitutionally Mandated Representation	DI# 1151001	HB Section <u>12.400</u>

Proposed PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

- Central PCR
 - District 67
- Eastern Appellate/PCR
 - Districts 51 & 68
- Western Appellate/PCR
 - Districts 52 & 69
- Proposed PCR Office
 - District 66

Fiscal Year 2016 ASSIGNED CASES -
Trial & Appellate Division Caseload, Adjusted for Withdrawals, and Office Conflicts
MSPD to Retain All Cases That Are Not Conflicts

Does Not include Capital or CDU

Type Code	Case Type	Trial & Appellate Division Cases	Adjusted for FY16 Withdrawn	1st Level Conflicts 41's, & 49's - Sending Office	1st Level Conflicts 41's, & 49's - Receiving Office	Conflicts Assigned to Private Counsel 42's & 44's	Trial & Appellate Adjusted Caseload NO CONFLICTS	RubinBrown Hours Required for Case Type	FY16 Required Hours
15	Murder 1st Degree	147	(28)	(24)	(24)	(10)	61	106.60	6,503
20	Other Homicide	133	(22)	(23)	(23)	(1)	64	106.60	6,822
30D	AB Felony Drug	2,704	(348)	(475)	(475)	(135)	1,271	47.60	60,500
30F	AB Felony Other	4,277	(548)	(611)	(611)	(146)	2,361	47.60	112,384
30X	AB Felony Sex	677	(99)	(55)	(55)	(7)	461	63.80	29,412
35D	CD Felony Drug	10,006	(764)	(1,261)	(1,261)	(294)	6,426	25.00	160,650
35F	CD Felony Other	22,357	(1,783)	(2,329)	(2,329)	(477)	15,439	25.00	385,975
35X	CD Felony Sex	300	(29)	(20)	(20)	(1)	230	63.80	14,674
45M	Misdemeanor	13,557	(625)	(1,072)	(1,072)	(191)	10,597	11.70	123,985
45T	Misdemeanor - Traffic	2,057	(160)	(94)	(94)	(17)	1,692	11.70	19,796
50N	Juvenile - Non Violent	912	(34)	(112)	(112)	(19)	635	19.50	12,383
50S	Juvenile - Status	81	(5)	(6)	(6)	(1)	63	19.50	1,229
50V	Juvenile - Violent	625	(50)	(70)	(70)	(6)	429	19.50	8,366
60	552 Release Petitions	9	(9)				0	0.00	0
65F	Probation Violation - Felony	14,880	(706)	(675)	(675)	(115)	12,709	9.80	124,548
65M	Probation Violation - Misd	3,350	(128)	(181)	(181)	(17)	2,843	9.80	27,861
75	Special Writ	10					10	0.00	0
110F	Direct Appeals - Felony	396	(1)	(3)	(3)		389	96.50	37,539
110J	Direct Appeal - Juvenile	3					3	96.50	290
110S	Direct Appeal - Misdemeanor	21					21	96.50	2,027
124A	Rule 24.035 Appeal	168					168	96.50	16,212
124M	Rule 24.035 Motion	547		(15)	(15)	(1)	516	96.50	49,794
129A	Rule 29.15 Appeal	213		(4)	(4)		205	96.50	19,783
129M	Rule 29.15 Motion	262		(17)	(17)	(2)	226	96.50	21,809
Other	Other	98	(9)	(20)	(20)		49	0.00	0
	Totals	77,790	(5,348)	(7,067)	(7,067)	(1,440)	56,868	Case Hours	1,242,538

Trial and Appellate Division - Case Standards - 2016 Attorney Calculation
Assuming All Trial Division Conflicts to Private Counsel
Appellate PCR's Remain with Public Defender System

From Time Log - Attorney Travel Time Per Year	47,812.5
From Time Log - Attorney In Court Time	129,094.5
Case Hours Required Per ABA/RubinBrown Study - January 2014	<u>1,242,538.4</u>
Total Attorney Hours Required Per Year	1,419,445.4
Attorney Hours Available Per Year	2,080.0
Number of Attorneys Required	682.4
Current Number of Trial & Appellate Division Attorneys (Authorized FTE)	<u>349.5</u>
Number of Attorneys Needed to meet RubinBrown Standard	332.9

Note: These figures do not include juvenile cases not represented by the public defender. 11.50 attorneys are requested in the Juvenile Advocacy decision item. In addition there are 10 FTE currently being restricted by Governor Nixon. The remaining 311 attorneys are requested in the Constitutionally Mandated Representation decision item.

NEW DECISION ITEM
RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Caseload Relief - Constitutionally Mandated Representation	DI#	1151001
		HB Section	12.400

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS	E
Assistant Public Defender III/C00400	16,208,076	311.0					16,208,076	311.0		
Legal Assistant /C00200	2,655,744	104.0					2,655,744	104.0		
Total PS	18,863,820	415.0	0	0.0	0	0.0	18,863,820	415.0	0	
Travel/140	1,089,000						1,089,000			
Supplies/190	173,700						173,700			
Communications Service & Supplies/340	498,000						498,000			
Professional Services/400	1,338,618						1,338,618			
Computer Equipment/480	487,625						487,625		487,625	
Office Equipment/580	560,715						560,715		560,715	
Other Equipment/590	139,605						139,605		139,605	
Building Lease Payments/680	788,500						788,500			
							0			
Total EE	5,075,763		0		0		5,075,763		1,187,945	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers										
Total TRF	0		0		0		0		0	
Grand Total	23,939,583	415.0	0	0.0	0	0.0	23,939,583	415.0	1,187,945	

**Trial and Appellate Divisions Case Standards
Assuming All Conflicts to Private Counsel
RubinBrown**

COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30	311.00
\$52,116	\$16,208,076
Legal Assistants - Range 15	104.00
\$25,536	\$2,655,744
	<u>415.00</u>
Total Personal Service	\$18,863,820
Expense & Equipment	
One-time Purchases	
Attorney Package	311.00
\$2,855	\$887,905
Legal Assistant Package	104.00
\$2,885	<u>\$300,040</u>
Total One-Time Purchases	\$1,187,945
On-Going Costs	
Attorneys	311.00
\$6,600	\$2,052,600
Legal Assistant	104.00
\$4,775	<u>\$496,600</u>
Total Personnel Related On-Going Costs	<u>\$2,549,200</u>
Total Expense and Equipment	<u>\$3,737,145</u>
Total Decision Item Request	\$22,600,965

Position Cost Detail for New FTE's

One Time Equipment Purchase

Attorneys

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855

Support Staff

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885

Detail for Projections

On-Going Costs - Trial & Appellate Divisions

Attorneys

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

Legal Assistants/Investigators

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Constitutionally Mandated - 1151001								
SECRETARY	0	0.00	0	0.00	2,655,744	104.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	16,208,076	311.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	18,863,820	415.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	1,089,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	173,700	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	498,000	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	1,338,618	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	487,625	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	560,715	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	139,605	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	788,500	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	5,075,763	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$23,939,583	415.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$23,939,583	415.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Comprehensive Compensation Structure	DI# 1151002	HB Section 12.400

1. AMOUNT OF REQUEST

	FY 2018 Budget Request				E
	GR	Federal	Other	Total	
PS	728,805	0	0	728,805	
EE	0	0	0	0	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	728,805	0	0	728,805	
FTE	0.00	0.00	0.00	0.00	

Est. Fringe	198,964	0	0	198,964
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2018 Governor's Recommendation				E
	GR	Federal	Other	Total	
PS	0	0	0	0	
EE	0	0	0	0	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	0	0	0	0	
FTE	0.00	0.00	0.00	0.00	

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other:	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Employee retention and recruitment is essential to the Missouri State Public Defender System's ability to meet its constitutional mandate to provide effective representation, especially in light of the fact that it is operating at less than one half the attorneys and one quarter the support staff needed for its caseload. Further, MSPD must be able to retain the employees it does have in order to avoid the backload that occurs to the existing high caseloads when attorneys move on to other jobs.

NEW DECISION ITEM
RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Comprehensive Compensation Structure	DI# 1151002	HB Section 12.400

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Without moving somewhat closer in salary parity to prosecuting attorneys, MSPD cannot recruit or retain employees. The resulting revolving door, as evidenced by our increasingly high turnover rate, which increased from 11.37 % in 2014 to 15.16% in 2015. The rate remains at an unacceptable 14.61%, which makes it more likely that innocent persons will be incarcerated, that clients will languish in jail waiting until someone can get to their cases, and that non-violent offenders will be unnecessarily sent to prison, all at an extraordinarily high cost to Missouri's citizens, a much higher cost than what it would take to provide salary parity and greater retention for our employees. Every time an attorney leaves, his or her cases are reassigned and an already overloaded attorney adds the case to his or her existing backlog. With MSPD operating at one quarter the support staff needed, it also is critical that MSPD is able to retain the existing investigators, paralegals, legal assistants, mitigation specialists, and other clerical staff.

A comprehensive compensation structure, with some minor adjustments to existing salaries, will provide the needed promotion tracks to retain attorneys throughout their career.

Attorneys Leaving Public Defender System



July 2016

NEW DECISION ITEM
RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Comprehensive Compensation Structure	DI# 1151002	HB Section 12.400

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS	E
Assistant Public Defenders/C00400	564,905						564,905			
District Defenders/C00460	163,900						163,900	0.0		
Total PS	728,805	0.0	0	0.0	0	0.0	728,805	0.0	0	
							0			
							0			
							0			
Total EE	0		0		0		0		0	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers										
Total TRF	0		0		0		0		0	
Grand Total	728,805	0.0	0	0.0	0	0.0	728,805	0.0	0	

Assistant Public Defenders					
Job Title	Current # of FTE	Proposed # of FTE	FY17 Salary	Proposed Salary	Cost
Assistant Public Defender I	58.00		\$39,708		<u>\$2,303,064</u>
Assistant Public Defender I		58.00		\$42,708	<u>\$2,477,064</u>
Assistant Public Defender I Salary Adjustment Cost					<u>\$174,000</u>
Assistant Public Defender II	95.00		\$46,992		<u>\$4,464,240</u>
Assistant Public Defender II		95.00		\$48,156	<u>\$4,574,820</u>
Assistant Public Defender II Salary Adjustment Cost					<u>\$110,580</u>
Assistant Public Defender III	56.00		\$52,116		<u>\$2,918,496</u>
Assistant Public Defender III		56.00		\$54,288	<u>\$3,040,128</u>
Assistant Public Defender III Salary Adjustment Cost					<u>\$121,632</u>
Assistant Public Defender IV	115.50		\$63,912		<u>\$7,381,836</u>
Assistant Public Defender IV		40.50		\$62,664	<u>\$2,537,892</u>
Assistant Public Defender IV Salary Adjustment Cost					<u>-\$4,843,944</u>
Assistant Public Defender V	0.00		\$0		<u>\$0</u>
Assistant Public Defender V		60.00		\$65,364	<u>\$3,921,840</u>
Assistant Public Defender V Salary Adjustment Cost					<u>\$3,921,840</u>
Assistant Public Defender VI	0.00		\$0		<u>\$0</u>
Assistant Public Defender VI		15.00		\$71,100	<u>\$1,066,500</u>
Assistant Public Defender VI Salary Adjustment Cost					<u>\$1,066,500</u>
Total FTE	324.50		Total Decision Item Cost		\$550,608

District Defenders Deputy District Defenders					
Job Title	Current # of FTE	Proposed # of FTE	Average FY17 Salary	Proposed Salary	Cost
Deputy District Defender	11.00		\$69,605		<u>\$765,655</u>
Deputy District Defender I		4.00		\$68,160	\$272,640
Deputy District Defender II		4.00		\$71,100	\$284,400
Deputy District Defender III		3.00		\$74,304	<u>\$222,912</u>
		11.00			<u>\$779,952</u>
Deputy District Defender Salary Adjustment Cost					<u>\$14,297</u>
District Defender	43.00		\$74,600		<u>\$3,207,800</u>
District Defender I		20.00		\$74,304	\$1,486,080
District Defender II		19.00		\$81,036	\$1,539,684
District Defender III		4.00		\$86,484	<u>\$345,936</u>
					<u>\$3,371,700</u>
District Defender Salary Adjustment Cost					<u>\$163,900</u>
Total FTE	54.00		Decision Item Cost		\$178,197

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Comprehensive Compensation - 1151002								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	564,905	0.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	163,900	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	728,805	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$728,805	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$728,805	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Juvenile Advocacy Offices DI# 1151003	HB Section <u>12.400</u>

1. AMOUNT OF REQUEST

FY 2018 Budget Request				
	GR	Federal	Other	Total E
PS	881,766	0	0	881,766
EE	173,985	0	0	173,985
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>1,055,751</u>	<u>0</u>	<u>0</u>	<u>1,055,751</u>
FTE	19.50	0.00	0.00	2.00

Est. Fringe	441,728	0	0	441,728
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2018 Governor's Recommendation				
	GR	Federal	Other	Total E
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input checked="" type="checkbox"/> New Legislation	<input checked="" type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

In the Spring of 2013, the National Juvenile Defender Center issued an assessment of Missouri's system of juvenile indigent defense representation. The report was part of a national strategy to review state juvenile indigent defense delivery systems and to evaluate how effectively attorneys in juvenile court are fulfilling their constitutional and statutory obligations to their clients.

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit	<u>15111C</u>
Division: Public Defender - Legal Services		
DI Name: Juvenile Advocacy Offices	DI#	<u>1151003</u>
	HB Section	<u>12.400</u>

The study concluded that “Missouri’s indigent defense system is in crisis and has endured at least two decades of crushing caseloads and inadequate resources to provide its mandated services,” and little to no attention has been paid to what this crisis has meant to poor children accused of a criminal offense. Specifically, it found that:

“children facing criminal or status offenses in Missouri’s juvenile justice system frequently do so without the benefit of counsel or without adequate representation through all critical stages. There are significant gaps in both access to and quality of representation provided to youth that fall well below the standards established by the Institute of Judicial Administration and American Bar Association’s *Juvenile Justice Standards*, the ABA *Rules of Professional Conduct*, the *Ten Core Principles for Juvenile Indigent Defense* established by NJDC and NJDS’s newly release *National Juvenile Defense Standards*. Justice is often rationed to juveniles in Missouri for a variety of reasons, not the least of which is the crisis in the public defender system....”

NEW DECISION ITEM

RANK: 5 OF 5

Department: <u>Office of the State Public Defender</u> Division: <u>Public Defender - Legal Services</u> DI Name: <u>Juvenile Advocacy Offices</u> DI# <u>1151003</u>	Budget Unit <u>15111C</u> HB Section <u>12.400</u>
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4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Utilizing data provided from the Office of the State Court's Administrator, there were 14,342 formal juvenile cases filed statewide in 2012 (the last year that OSCA has provided MSPD with numbers), of which 7,836 were abuse/neglect cases, leaving 6,506 juvenile cases where the juvenile was entitled to an attorney. Of the 6,506 juveniles, only 13% were actually represented by private counsel. That leaves 5,660 juvenile cases where the juvenile needed a public defender. However, in that same year, MSPD provided representation in just 1,923 juvenile cases.

As a result of this finding, the Missouri Juvenile Justice Association is seeking a rule or statutory change to prohibit the waiver of counsel by juveniles (this need has become even more so given the Department of Justice's findings in its recent report on St. Louis County). In the meantime, they have asked MSPD to pursue the reinstatement of the two Juvenile Advocacy Units, one in the Kansas City area and one in the greater St. Louis area. (MSPD previously had these units, but had to relinquish them when trial division caseloads became too high and no additional personnel were forthcoming.)

These specialized units not only better serve juvenile clients, they also provide a resource and expertise for those providing juvenile representation throughout the state. This will become even more essential if waiver of counsel in these cases is eliminated and more public defenders and inexperienced private attorneys are appointed to provide juvenile defense representation.

MSPD is requesting juvenile attorney staffing at the recommended RubinBrown workload standards. MSPD is also seeking one additional attorney in each office to represent juveniles certified to stand trial as an adult and to serve as a statewide juvenile resource attorney to assist local offices across the rest of the state.

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender			Budget Unit <u>15111C</u>		
Division: Public Defender - Legal Services					
DI Name: Juvenile Advocacy Offices		DI# <u>1151003</u>	HB Section <u>12.400</u>		

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.										
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS	E
							0			
District Defender/C00460	145,056	2.0					145,056			
Assistant Public Defender/C00400	495,102	9.5					495,102			
Legal Assistants/C00200	51,072	2.0					51,072			
Mitigation Specialist/C00350	73,848	2.0					73,848			
Investigator/C00300	61,152	2.0					61,152			
Secretary/C00200	55,536	2.0					55,536	2.0		
Total PS	881,766	19.5	0	0.0	0	0.0	881,766	2.0	0	
Travel/140	45,720						45,720			
Supplies/190	9,100						9,100			
Rent/680	91,250						91,250			
Phones & Network Costs/340	12,915						12,915			
Professional Costs/400	15,000						15,000			
Total EE	119,165		0		0		173,985		0	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers										
Total TRF	0		0		0		0		0	
Grand Total	1,000,931	19.5	0	0.0	0	0.0	1,055,751	2.0	0	

**Missouri State Public Defender
JUVENILE CASELOAD**

ST. LOUIS AREA - FY2016 Actual Juvenile Cases Handled

St. Louis City	300			
St. Louis County	314			
St. Charles	59			
Total Number of Cases	673			
* RubinBrown/ABA Hours	19.50		*Does Not Include Travel or Court Time	
Hours Required	13,123.50			
/ Hours per Attorney Per Year	2,080.00			
	6.31			
Statewide Juvenile Resource Attorney	1.00			
Total Attorneys Requested	7.31	(Round to 7.50)		
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$72,528	\$72,528	
Assistant Public Defenders III	6.50	\$52,116	\$338,754	
Juvenile Dispositional Specialist	1.00	\$36,924	\$36,924	
Legal Assistant	1.00	\$25,536	\$25,536	
Investigator	1.00	\$30,576	\$30,576	
Secretary	1.00	\$27,768	\$27,768	
TOTAL PERSONAL SERVICE	11.50			\$532,086
Travel & Parking				
\$95/ mo * 12 * 12 = Parking			\$13,680	
\$200/ mo * 12 * 8.50 = Mileage			\$16,800	
Supplies			\$3,000	
Professional			\$7,500	
Telephone \$90 * 11.50			\$1,035	
Network Costs \$450 * 12 months			\$5,400	
Postage \$300 * 12 months			\$2,400	
Building Costs			\$48,750	
TOTAL EXPENSE & EQUIPMENT				\$98,565
TOTAL COSTS ST. LOUIS AREA				\$630,651

Missouri State Public Defender JUVENILE CASELOAD				
JACKSON COUNTY - FY2016 Actual Juvenile Cases Handled				
Jackson County	228.00			
* RubinBrown/ABA Hours	<u>19.50</u>		*Does Not Include Travel or Court Time	
Hours Required	4446.00			
/ Hours per Attorney Per Year	<u>2080.00</u>			
	2.14			
Statewide Juvenile Resource Attorney	<u>1.00</u>			
Total Attorneys Requested	<u>3.14</u>	(Round to 4)		
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$72,528	\$72,528	
Assistant Public Defenders III	3.00	\$52,116	\$156,348	
Juvenile Dispositional Specialist	1.00	\$36,924	\$36,924	
Legal Assistant	1.00	\$25,536	\$25,536	
Investigator	1.00	\$30,576	\$30,576	
Secretary	<u>1.00</u>	\$27,768	<u>\$27,768</u>	
TOTAL PERSONAL SERVICE	8.00			\$349,680
Travel & Parking				
\$65/ mo *12*8 = Parking			\$6,240	
\$125/ mo *12*6 = Mileage			\$9,000	
Supplies			\$2,500	
Professional			\$7,500	
Telephone \$90 *12			\$1,080	
Network Costs \$450 * 12			\$5,400	
Postage \$100 * 12			\$1,200	
Building Costs			<u>\$42,500</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$75,420</u>
TOTAL COSTS JACKSON COUNTY				\$425,100
TOTAL COSTS FOR EXISTING JUVENILE CASES ST. LOUIS AREA & JACKSON COUNTY				\$1,055,751

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Juvenile Advocacy - 1151003								
SECRETARY	0	0.00	0	0.00	106,608	4.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	61,152	2.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	73,848	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	495,102	9.50	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	145,056	2.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	881,766	19.50	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	45,720	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	9,100	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	12,915	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	15,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	91,250	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	173,985	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,055,751	19.50	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,055,751	19.50		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15131C
Division:	Public Defender - Federal & Other		
Core:	Core Request	HB Section	12.400

1. CORE FINANCIAL SUMMARY

FY 2018 Budget Request					FY 2018 Governor's Recommendation						
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	0	0		PS	0	0	0	0	
EE	0	125,000	0	125,000		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	0	125,000	0	125,000		Total	0	0	0	0	
FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00	
Est. Fringe	0	0	0	0		Est. Fringe	0	0	0	0	
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.						Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					

Other Funds:

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority should federal or other funds become available during Fiscal Year 2018 to assist in fund the State Public Defender System.

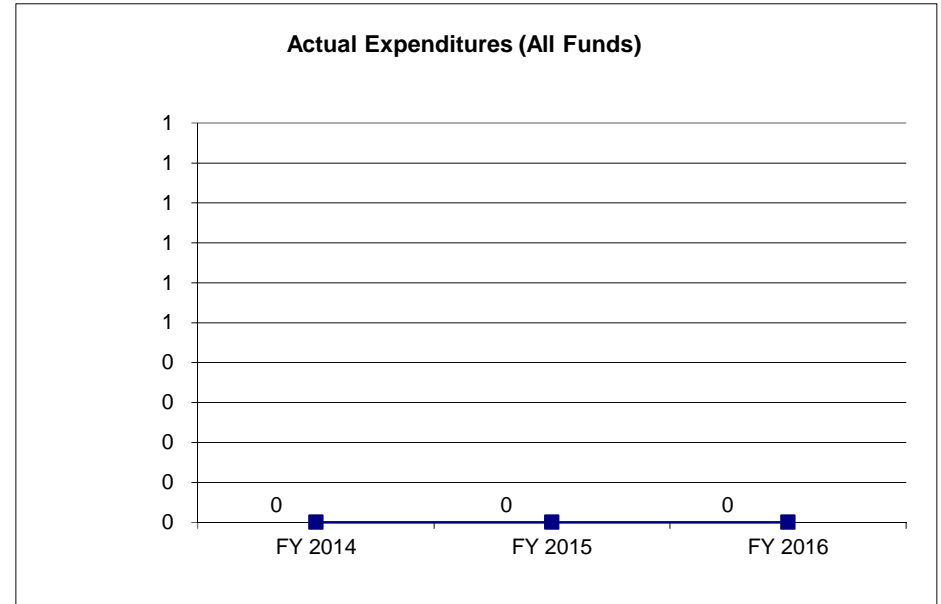
3. PROGRAM LISTING (list programs included in this core funding)

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15131C
Division:	Public Defender - Federal & Other		
Core:	Core Request	HB Section	12.400

4. FINANCIAL HISTORY

	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Current Yr.
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	125,000	125,000	125,000	125,000
Actual Expenditures (All Funds)	0	0	0	0
Unexpended (All Funds)	125,000	125,000	125,000	125,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

Appropriation is requested to have spending authority should federal or other funds become available during Fiscal Year 2018 to assist in fund the State Public Defender System.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151 - State Public Defender
FUND NAME: Federal & Other
FUND NUMBER: 0112

<input type="checkbox"/> Statutory _____	<input checked="" type="checkbox"/> Federal Fund	<input type="checkbox"/> Subject To Biennial Sweep
<input type="checkbox"/> Constitutional _____	<input checked="" type="checkbox"/> Administratively Created	<input type="checkbox"/> Subject to Other Sweeps (see Notes)
	<input type="checkbox"/> Interest Deposited To Fund	

	FY 2016 ADJUSTED APPROP	FY 2016 ACTUAL SPENDING	FY 2017 ADJUSTED APPROP	FY 2018 REQUESTED	FY 2018 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	0	0	0	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	0	0	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL RESOURCES AVAILABLE	0	0	0	0	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	0	0	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
BUDGET BALANCE	0	0	0	0	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	0	0	0	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	0	0	0	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
UNOBLIGATED CASH BALANCE	0	0	0	0	0

REVENUE SOURCE: Appropriation is requested to allow MSPD to have spending authority should federal and/or funds become available during Fiscal Year 2018 to assist in funding the State Public Defender System.

FUND PURPOSE: To assist in funding the State Public Defender System.

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	132,536	1.90	135,187	2.00	135,187	2.00	0	0.00
TOTAL - PS	132,536	1.90	135,187	2.00	135,187	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,127,991	0.00	2,800,756	0.00	2,825,756	0.00	0	0.00
TOTAL - EE	1,127,991	0.00	2,800,756	0.00	2,825,756	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	22,117	0.00	50,000	0.00	25,000	0.00	0	0.00
TOTAL - PD	22,117	0.00	50,000	0.00	25,000	0.00	0	0.00
TOTAL	1,282,644	1.90	2,985,943	2.00	2,985,943	2.00	0	0.00
GRAND TOTAL	\$1,282,644	1.90	\$2,985,943	2.00	\$2,985,943	2.00	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Public Defender - Legal Defense & Defender Fund		
Core:	Core Request - LDDF	HB Section	12.400

1. CORE FINANCIAL SUMMARY

FY 2018 Budget Request						FY 2018 Governor's Recommendation					
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	135,187	135,187		PS	0	0	0	0	
EE	0	0	2,825,756	2,825,756		EE	0	0	0	0	
PSD	0	0	25,000	25,000		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	0	0	2,985,943	2,985,943		Total	0	0	0	0	
FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00	
Est. Fringe	0	0	36,906	36,906		Est. Fringe	0	0	0	0	
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.						Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					

Other Funds:

Other Funds:

2. CORE DESCRIPTION

As laws continue to change and staff continues to turnover, training of public defenders and their staff becomes even more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases and office moves.

3. PROGRAM LISTING (list programs included in this core funding)

There are no separate programs within this appropriation. Monies collected are utilized to assist in funding the State Public Defender System.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Public Defender - Legal Defense & Defender Fund		
Core:	Core Request - LDDF	HB Section	12.400

4. FINANCIAL HISTORY

	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Current Yr.
Appropriation (All Funds)	2,981,482	2,982,583	2,983,293	2,985,943
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	2,981,482	2,982,583	2,983,293	2,985,943
Actual Expenditures (All Funds)	1,012,986	1,700,093	1,351,009	0
Unexpended (All Funds)	1,968,496	1,282,490	1,632,284	2,985,943
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	478,300	141,262	151,270	0

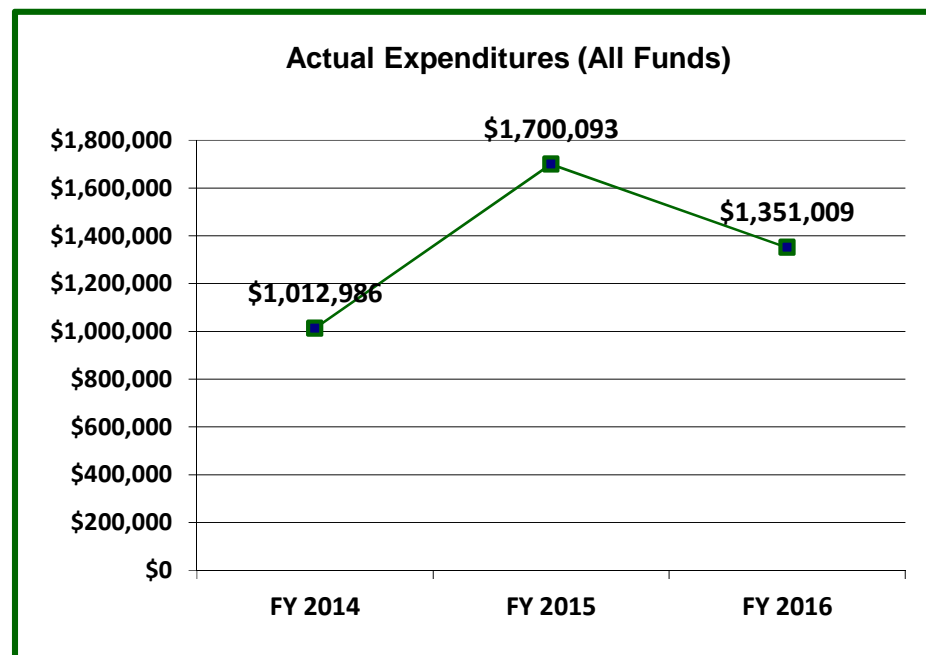
Note: Expended includes OA Transfers, HB 5.250 & Fringe Benefits

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES: **MSPD can only expend what is collected up to the limits of the appropriation.**
 Last Lapse Date = June 30, 2015

Appropriation is requested to have spending authority should federal or other funds become available during Fiscal Year 2018 to assist in fund the State Public Defender System.



Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	87,878	0.90	94,985	1.00	94,985	1.00	0	0.00
PROGRAM TECHNICIAN	44,658	1.00	40,202	1.00	40,202	1.00	0	0.00
TOTAL - PS	132,536	1.90	135,187	2.00	135,187	2.00	0	0.00
TRAVEL, IN-STATE	310,412	0.00	908,256	0.00	800,756	0.00	0	0.00
TRAVEL, OUT-OF-STATE	60,109	0.00	75,000	0.00	75,000	0.00	0	0.00
SUPPLIES	121,671	0.00	95,000	0.00	130,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	182,329	0.00	85,000	0.00	185,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	60,000	0.00	160,000	0.00	0	0.00
PROFESSIONAL SERVICES	3,995	0.00	125,000	0.00	125,000	0.00	0	0.00
M&R SERVICES	263,281	0.00	225,000	0.00	375,000	0.00	0	0.00
COMPUTER EQUIPMENT	20,925	0.00	450,000	0.00	450,000	0.00	0	0.00
OFFICE EQUIPMENT	631	0.00	195,000	0.00	195,000	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	275,000	0.00	75,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	9,550	0.00	17,500	0.00	10,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	44,094	0.00	40,000	0.00	45,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	110,994	0.00	250,000	0.00	200,000	0.00	0	0.00
TOTAL - EE	1,127,991	0.00	2,800,756	0.00	2,825,756	0.00	0	0.00
REFUNDS	22,117	0.00	50,000	0.00	25,000	0.00	0	0.00
TOTAL - PD	22,117	0.00	50,000	0.00	25,000	0.00	0	0.00
GRAND TOTAL	\$1,282,644	1.90	\$2,985,943	2.00	\$2,985,943	2.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,282,644	1.90	\$2,985,943	2.00	\$2,985,943	2.00		0.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151 - State Public Defender
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

<input checked="" type="checkbox"/> Statutory <u>RSMo. 600.090.6</u> <input type="checkbox"/> Constitutional _____	<input type="checkbox"/> Federal Fund <input checked="" type="checkbox"/> Administratively Created <input checked="" type="checkbox"/> Interest Deposited To Fund	<p style="text-align: right;">Not After August 28, 2016</p> <input checked="" type="checkbox"/> Subject To Biennial Sweep <input type="checkbox"/> Subject to Other Sweeps (see Notes)
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	FY 2016 ADJUSTED APPROP	FY 2016 ACTUAL SPENDING	FY 2017 ADJUSTED APPROP	FY 2018 REQUESTED	FY 2018 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	141,261	151,269	54,008	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	1,361,017	1,335,000	2,931,935	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	0	1,361,017	1,335,000	2,931,935	0
TOTAL RESOURCES AVAILABLE	0	1,502,278	1,486,269	2,985,943	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	1,282,645	1,361,461	0	0
TRANSFER APPROPS	0	68,365	70,800	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	0	1,351,009	1,432,261	0	0
BUDGET BALANCE	0	151,269	54,008	2,985,943	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	151,269	54,008	2,985,943	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	151,269	54,008	2,985,943	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	0	151,269	54,008	2,985,943	0

REVENUE SOURCE: Monies collected from Public Defender Clients.

FUND PURPOSE: Appropriation funds are largely used for training of public defenders and their staff. Funds are also used to supplement the cost of the operation of the State Public Defender System, by purchasing one-time equipment, paying for Missouri Bar dues, costs associated with information technology and other general operating costs.

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLICT								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	3,721,070	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
TOTAL - EE	3,721,070	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
TOTAL	3,721,070	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
GRAND TOTAL	\$3,721,070	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15151C
Division:	Public Defender		
Core:	Extraordinary Expenses/Conflict Core Request	HB Section	12.400

1. CORE FINANCIAL SUMMARY

FY 2018 Budget Request					FY 2018 Governor's Recommendation						
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	0	0		PS	0	0	0	0	
EE	3,721,071	0	0	3,721,071		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	3,721,071	0	0	3,721,071		Total	0	0	0	0	
FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00	

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

Other Funds:

2. CORE DESCRIPTION

This appropriation was established to cover three main types of expenses.

VIOLENT CRIMES: Payment of expenses associated with the defense of violent crimes, including those charged as sexually violent predators.

LITIGATION EXPENSES: Litigation expenses costing over \$500 are paid out of the appropriation. These would include, but are not limited to, such things as independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consultations, fingerprint experts, handwriting analysis, etc. There has been no increase in funding for litigation expense since fiscal year 1996.

CONFLICT CASES: A conflict requiring a case to be contracted out to private counsel occurs when there are multiple co-defendants charged in a particular incident. Should these co-defendants, each want to snitch on the other, an ethical problem is created and one defender office may not represent more than one co-defendant.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15151C
Division:	Public Defender		
Core:	Extraordinary Expenses/Conflict Core Request	HB Section	12.400

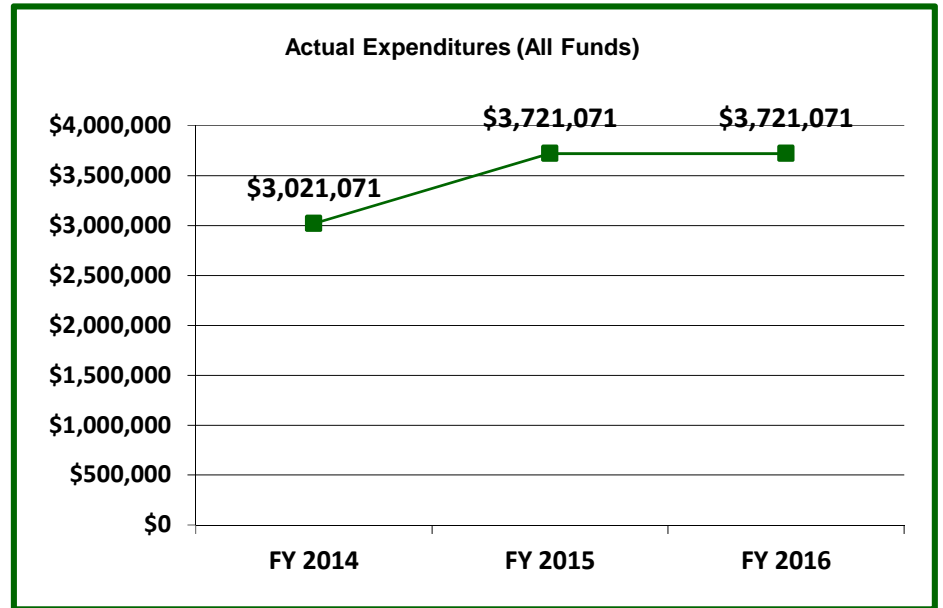
3. PROGRAM LISTING (list programs included in this core funding)

There are no "separate" programs within this appropriation.

A chart depicting the contract rates paid to private counsel may be found under the tab "Constitutionally Mandated".

4. FINANCIAL HISTORY

	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Current Yr.
Appropriation (All Funds)	3,021,071	3,721,071	3,721,071	3,721,071
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	3,021,071	3,721,071	3,721,071	3,721,071
Actual Expenditures (All Funds)	3,021,071	3,721,071	3,721,071	0
Unexpended (All Funds)	0	0	0	3,721,071
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

Fiscal Year 2016
CONFLICT and CONTRACT ASSIGNMENTS
- By Case Type -

Code	Case Type Description	# of Conflict Cases Contracted	# of Overload Cases Contracted	Total
110F	Direct Appeal - Felony			0
110I	Direct Appeal - Interlocutory			0
110J	Direct Appeal - Juvenile			0
110S	Direct Appeal - Misdemeanor			0
124A	Rule 24.035 Appeal - PCR Appeal			0
124M	Rule 24.035 Motion - Post Plea PCR	1	17	18
124SA	Rule 24.035 Appeal - State's Appeal			0
129A	Rule 29.15 Appeal - PCR Appeal			0
129M	Rule 29.15 Motion - Post Trial PCR	2		2
175T	Writ Trial			0
10	Murder 1 - Death Penalty			0
15	Murder 1 - Non-Death Penalty	14	4	18
20	Other Homicide	2	1	3
30D	A - B Felony Drug	207	1	208
30F	A - B Felony Other	259	6	265
30X	A - B Felony Sex	34		34
35D	C - D Felony Drug	542	7	549
35F	C - D Felony Other	842	51	893
35X	C - D Felony Sex	5	1	6
45M	Misdemeanor (other than Traffic)	437	21	458
45T	Misd. - Traffic (RSMo. 301-307)	42	7	49
50N	Juvenile Non-violent (all other)	32	11	43
50S	Juvenile Status	2		2
50V	Juvenile Violent (crimes against persons)	9	5	14
62	Sexual Predator Trial			0
65F	Probation Violation - Felony	241	11	252
65M	Probation Violation - Misdemeanor	75		75
99	None	4		4
		2750	143	
	Total Private Counsel Conflict & Contract Assignments			2893

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLICT								
CORE								
TRAVEL, IN-STATE	294,618	0.00	130,000	0.00	295,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	55,592	0.00	35,800	0.00	60,000	0.00	0	0.00
FUEL & UTILITIES	5,782	0.00	7,500	0.00	6,000	0.00	0	0.00
SUPPLIES	22,540	0.00	29,500	0.00	23,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	22,529	0.00	21,300	0.00	23,000	0.00	0	0.00
PROFESSIONAL SERVICES	3,096,254	0.00	3,242,396	0.00	3,099,571	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	2,777	0.00	3,000	0.00	2,500	0.00	0	0.00
M&R SERVICES	6,131	0.00	7,500	0.00	6,000	0.00	0	0.00
OFFICE EQUIPMENT	150	0.00	25,000	0.00	1,500	0.00	0	0.00
BUILDING LEASE PAYMENTS	208,438	0.00	214,000	0.00	200,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	1,376	0.00	575	0.00	1,500	0.00	0	0.00
MISCELLANEOUS EXPENSES	4,883	0.00	3,000	0.00	1,500	0.00	0	0.00
TOTAL - EE	3,721,070	0.00	3,721,071	0.00	3,721,071	0.00	0	0.00
GRAND TOTAL	\$3,721,070	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$0	0.00
GENERAL REVENUE	\$3,721,070	0.00	\$3,721,071	0.00	\$3,721,071	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
PROGRAM-SPECIFIC								
DEBT OFFSET ESCROW	995,229	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - PD	995,229	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL	995,229	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$995,229	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15161C
Division:	Public Defender		
Core:	Debt Offset Core Request	HB Section	12.400

1. CORE FINANCIAL SUMMARY

FY 2018 Budget Request						FY 2018 Governor's Recommendation					
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	0	0		PS	0	0	0	0	
EE	0	0	1,200,000	1,200,000		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	0	0	1,200,000	1,200,000		Total	0	0	0	0	
FTE	0.00	0.00	0.00	0.00		FTE	0.00	0.00	0.00	0.00	
Est. Fringe	0	0	0	0		Est. Fringe	0	0	0	0	
Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.						Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.					

Other Funds:

Other Funds:

2. CORE DESCRIPTION

Beginning in FY1995, each department/agency participating in the Department of Revenue's Debt Offset Program, was required to establish an appropriation to receive money intercepted from individual Missouri State Income Tax Refunds by the Department of Revenue on behalf of the department/agency. The Department of Revenue has also set up an intercept program from individual lottery winnings.

3. PROGRAM LISTING (list programs included in this core funding)

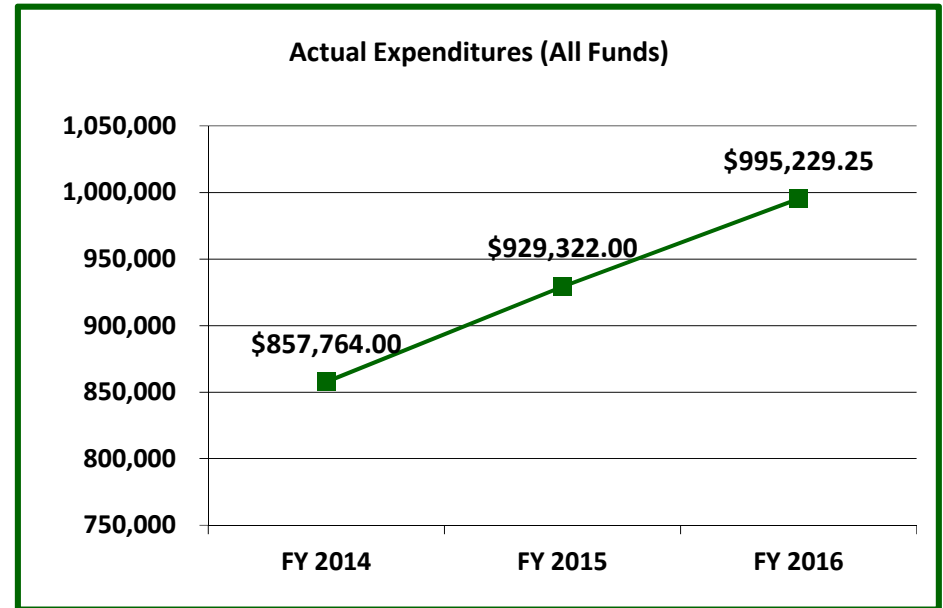
In Fiscal Year 2016, the Missouri State Public Defender System intercepted \$963,213.72 of Missouri State Income Tax refunds and \$54,272.90 of Lottery winnings from past Public Defender clients who have/had outstanding debts to the State Public Defender.

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15161C
Division:	Public Defender		
Core:	Debt Offset Core Request	HB Section	12.400

4. FINANCIAL HISTORY

	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Current Yr.
Appropriation (All Funds)	1,200,000	1,200,000	1,200,000	1,200,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	1,200,000	1,200,000	1,200,000	1,200,000
Actual Expenditures (All Funds)	857,764	929,322	995,229	0
Unexpended (All Funds)	342,236	270,678	204,771	1,200,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2016	FY 2016	FY 2017	FY 2017	FY 2018	FY 2018	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
REFUNDS	995,229	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - PD	995,229	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$995,229	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$995,229	0.00	\$1,200,000	0.00	\$1,200,000	0.00		0.00

